

REMARKS

Claims 116-125 and 217-241 are pending in the present application. Claims 116-125 and 217-241 have been examined, claims 116-119, 121-124, 217-220, 225-227 and 229-240 are rejected, and claims 120, 125, 221, 228 and 241 are objected to. In the above amendments, claims 116, 121, 217, 232, 233 and 237 have been amended, and new claims 242-247 have been added. Therefore, after entry of the above amendments, claims 116-125, 217-221 and 225-247 will be pending in this application. Applicant believes that the present application is now in condition for allowance, for which prompt and favorable action is respectfully requested.

Objected to Claims

Claims 120, 125, 221, 228 and 241 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant notes with appreciation the indication of allowable claims 120, 125, 221, 228 and 241. Applicant would like to keep these claims in dependent form in the present amendment.

Rejection of Claims Under 35 U.S.C. §103(a)

Claims 116-119, 121-124, 217-220, 225-227 and 229-240 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Li *et al* (US 2002/0163879) in view of Sjoberg (US 7,023,826).

Claim 116 of the present application, as amended, recites:

“An apparatus in a wireless communication system, comprising:
a transmit data processor operative to
process system parameters and a pilot for transmission via a
broadcast channel, wherein the pilot is used for channel estimation of a downlink,
process scheduling information for transmission via a forward control
channel, wherein the scheduling information is for data transmission on the downlink
and an uplink, and
process traffic data for transmission via a forward channel; and
a receive data processor operative to

process user requests for system access received via a random access channel, and
process traffic data received via a reverse channel,
wherein at least one channel among the broadcast channel, the forward control channel, the forward channel, the random access channel, and the reverse channel is configurable, and wherein the system parameters indicate configuration of the at least one configurable channel.”

Applicant submits that claim 116 is patentable over Li in view of Sjoberg for at least the following reason. The combination of Li and Sjoberg does not disclose “wherein at least one channel among the broadcast channel, the forward control channel, the forward channel, the random access channel, and the reverse channel is configurable, and wherein the system parameters indicate configuration of the at least one configurable channel” (emphasis added), as recited in claim 116. This feature of claim 116 is supported by paragraph [0089], Table 5, and other parts of the present application.

On page 2, the rejection states that “the examiner views the pilot that has multi purposes functions as the pilot and system parameters.” This statement refers to paragraph [0028] of Li, which states “the pilot symbols can serve multiple purposes: time and frequency synchronization, channel estimation and signal-to-interference/noise (SINR) ratio measurement for cluster allocation.” The various purposes of the pilot in Li do not include indicating “configuration of the at least one configurable channel,” as recited in claim 116. Hence, Li does not describe this feature of claim 116.

Claims 229, 230 and 231 recite the system parameters indicating the (configurable) duration of the forward channel, the reverse channel, and the random access channel, respectively. The rejection indicates that these configurable features of claims 229, 230 and 231 are disclosed by Li in paragraph [0043]. However, this cited paragraph simply states that pilot is sent in a pilot period (e.g., of 152 microseconds), followed by a predetermined number of (e.g., four) data periods (e.g., of 152 microseconds), followed by another pilot period, etc. The pilot and data structure in Li is thus fixed and not configurable. Furthermore, the pilot symbol in Li does not inform the subscriber of the size of the other channels in the system, as stated in the rejection. The channels in Li have known fixed sizes and are not conveyed by the pilot symbol. Furthermore, the pilot periods and data periods in different cells are intended to be aligned in time, as shown in FIGS. 2A-2C of Li. Li does not

describe a mechanism to have the channels be both configurable and time-aligned across cells.

For at least the above reason, Applicant submits that claim 116 is patentable over Li in view of Sjoberg. Claims 117-119 are dependent on claim 116 and are patentable over Li in view of Sjoberg for at least the reason noted for base claim 116.

Independent claims 121, 217 and 237 have each been amended to recite the feature noted above for claim 116. Claims 122-124, 225-227 and 229-236 are dependent on claim 121, claims 218-220 are dependent on claim 217, and claims 238-240 are dependent on claim 237. Claims 121-124, 217-220, 225-227 and 229-240 are patentable over Li in view of Sjoberg for at least the reason noted for claim 116.

Accordingly, the §103(a) rejection of claims 116-119, 121-124, 217-220, 225-227 and 229-240 should be withdrawn.

New Claims

New claims 242-247 recite additional features of the present application. Claims 242-244 are dependent on claim 237, and claims 245-247 are dependent on claim 121. Support for claims 242-247 is given in paragraphs [0049] and [00163], Tables 1 and 7, and other parts of the present application.

CONCLUSION

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or credit any overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: January 14, 2010

By: /Kenyon S. Jenckes/
Kenyon S. Jenckes, Reg. No. 41,873
Phone No.: 858-651-8149

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-2426
Facsimile: (858) 658-2502